

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference 2003P05745WO	FOR FURTHER ACTION	See item 4 below
International application No. PCT/DE2004/000723	International filing date (<i>day/month/year</i>) 06 April 2004 (06.04.2004)	Priority date (<i>day/month/year</i>) 17 April 2003 (17.04.2003)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant PATENT-TREUHAND-GESELL SCHAFT FÜR ELEKTRISCHE GLÜHLAMPEN MBH		

1.	This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 <i>bis</i> .1(a).																								
2.	This REPORT consists of a total of 9 sheets, including this cover sheet. In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.																								
3.	<p>This report contains indications relating to the following items:</p> <table style="width: 100%;"> <tr> <td style="width: 10%; text-align: center;"><input checked="" type="checkbox"/></td> <td style="width: 30%;">Box No. I</td> <td style="width: 80%;">Basis of the report</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. II</td> <td>Priority</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. III</td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td>Box No. V</td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </table>	<input checked="" type="checkbox"/>	Box No. I	Basis of the report	<input type="checkbox"/>	Box No. II	Priority	<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/>	Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/>	Box No. VI	Certain documents cited	<input type="checkbox"/>	Box No. VII	Certain defects in the international application	<input type="checkbox"/>	Box No. VIII	Certain observations on the international application
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4.	The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).																								

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Date of issuance of this report 17 March 2009 (17.03.2009)
Facsimile No. +41 22 338 82 70	Authorized officer <div style="text-align: center; font-weight: bold;">Agnes Wittmann-Regis</div> e-mail: pt06.pct@wipo.int

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

TRANSLATION

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:

Date of mailing (day/month/year) **see form PCT/ISA/210**

Applicant's or agent's file reference 2003P05745WO		FOR FURTHER ACTION See paragraph 2 below
International application No. PCT/DE2004/000723	International filing date (day/month/year) 06.04.2004	Priority date (day/month/year) 17.04.2003
International Patent Classification (IPC) or both national classification and IPC H01K1/32		
Applicant PATENT-TREUHAND-GESELL SCHAFT FÜR ELEKTRISCHE GLÜHLAMPEN MBH		

1. This opinion contains indications relating to the following items:

<input checked="" type="checkbox"/>	Box No. I	Basis of the opinion
<input type="checkbox"/>	Box No. II	Priority
<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input type="checkbox"/>	Box No. IV	Lack of unity of invention
<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
<input type="checkbox"/>	Box No. VI	Certain documents cited
<input type="checkbox"/>	Box No. VII	Certain defects in the international application
<input type="checkbox"/>	Box No. VIII	Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/EP	Date of completion of this opinion	Authorized officer
Facsimile No.		Telephone No.

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Box No. I Basis of this opinion

1. With regard to the **language**, this opinion has been established on the basis of:
 - ☒ the international application in the language in which it was filed
 - ☐ a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).
2. ☐ This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43*bis*.1(a))
3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material
 - ☐ on paper
 - ☐ in electronic form
 - c. time of filing/furnishing
 - ☐ contained in the international application as filed
 - ☐ filed together with the international application in electronic form
 - ☐ furnished subsequently to this Authority for the purposes of search
4. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
5. Additional comments:

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Box No. V	Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1. Statement			
Novelty (N)	Claims		YES
	Claims	1 - 11	NO
Inventive step (IS)	Claims		YES
	Claims	1 - 11	NO
Industrial applicability (IA)	Claims	1 - 11	YES
	Claims		NO
2. Citations and explanations:			
<p>1 PRIOR ART</p> <p style="margin-left: 40px;">Reference is made to the following documents for the prior art; the same numbering will be used throughout the rest of the procedure:</p> <div style="margin-left: 40px;"> D1: US-A-4 287 231 (DECARO ARISTIDE R ET AL.) 1 September 1981 (1981-09-01) </div> <div style="margin-left: 40px;"> D2: EP-A-0 813 229 (PATRA PATENT TREUHAND [DE]) 17 December 1997 (1997-12-17) </div> <div style="margin-left: 40px;"> D3: US-A-6 111 344 (BINDER ULRICH [DE] ET AL.) 29 August 2000 (2000-08-29) </div> <div style="margin-left: 40px;"> D4: WO 98/50942 A (KONINKL PHILIPS ELECTRONICS NV [NL]; PHILIPS PATENTVERWALTUNG [DE]; PH) 12 November 1998 (1998-11-12) </div> <div style="margin-left: 40px;"> D5: WO 02/41350 A (KONINKL PHILIPS ELECTRONICS NV [NL]; DULMEN HENDRIKUS A M VAN [NL]; GE) 23 May 2002 (2002-05-23) </div> <p>2 INDEPENDENT CLAIM 1</p> <p>2.1 The present application fails to comply with the requirements of PCT Article 33(1) since the subject</p>			

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Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

matter of **claim 1** is not novel (PCT Article 33(2)).

Document **D1** discloses (the references between parentheses apply to this document):

an incandescent halogen lamp (10; cf. figure 1, column 2, lines 55 - 57; column 3, lines 6-7) with a transparent (cf. column 2, line 57) lamp vessel (12) which is sealed off at one end (cf. figure 1) and at least one (cf. figure 1) incandescent filament (18) arranged within (cf. figure 1) the lamp vessel (12), characterized in that a section (cf. figure 1, column 3, lines 21-22) of the lamp vessel (12) is in the form of a reflector (cf. column 3, lines 21-23) and is provided with a light-reflecting (cf. column 1, lines 23-26, column 3, lines 23-28) coating (22).

2.2 Alternative objections as regards novelty to **claim 1** can be based on **D2 - D5**:

2.2.1 Document **D2** discloses an *incandescent halogen lamp (cf. figure 1, column 3, lines 20 - 21), a transparent (cf. column 3, line 21) lamp vessel (1; column 3, line 21) which is sealed off at one end (cf. column 3, line 20), at least one (cf. figure 1) incandescent filament (9) arranged within (cf. figure 1) the lamp vessel (1), wherein a section (cf. figure 1, column 3, line 32) of the lamp vessel (1) is in the form of a reflector (cf. column 3, lines 32 - 34) and is provided with a light-reflecting (cf. column 3, lines 33 - 34)*

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	<p><i>coating (12).</i></p> <p>2.2.2 Document D3 discloses an <i>incandescent halogen lamp (9; cf. figure 3, column 4, lines 43 - 45)</i>, a transparent (cf. column 4, lines 52 - 53) <i>lamp vessel (10)</i> which is sealed off at one end (cf. column 4, line 47), at least one (cf. figure 3) <i>incandescent filament (15)</i> arranged within (cf. column 5, lines 3 - 8) the lamp vessel (10), wherein a <i>section (cf. figure 3, column 4, lines 55 - 58)</i> of the lamp vessel (10) is in the form of a <i>reflector</i> (cf. column 1, lines 5 - 7, column 4, lines 57 - 58) and is provided with a light-reflecting (cf. column 1, lines 5 - 7, column 4, line 58) <i>coating (14).</i></p> <p>2.2.3 Document D4 discloses an <i>incandescent halogen lamp (cf. figure 1, page 5, lines 27 - 33, page 6, lines 8 - 9)</i>, a transparent (cf. page 5, line 31) <i>lamp vessel (5)</i> which is sealed off at one end (cf. figure 1), at least one (cf. figure 1) <i>incandescent filament (4)</i> arranged within (cf. figure 1) the lamp vessel (5), wherein a <i>section (cf. figure 1, page 6, lines 29 - 30)</i> of the lamp vessel (5) is in the form of a <i>reflector</i> (cf. page 4, lines 11 - 13, page 6, lines 29 - 30) and is provided with a light-reflecting (cf. page 4, lines 12 - 13, page 6, line 30) <i>coating (53).</i></p> <p>2.2.4 Document D5 discloses an <i>incandescent halogen</i></p>

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	<p><i>lamp (cf. figure 1, page 4, lines 1 - 9, page 5, lines 16 - 18), a transparent (cf. page 5, line 27) lamp vessel (2) which is sealed off at one end (cf. figure 1, page 5, lines 27 - 28), at least one (cf. figure 1) incandescent filament (6) arranged within (cf. figure 1) the lamp vessel (2), wherein a section (cf. page 4, lines 29 - 32) of the lamp vessel (2) is in the form of a reflector (cf. page 4, lines 29 - 32) and is provided with a light-reflecting coating (cf. page 4, lines 29 - 32).</i></p> <p>3 DEPENDENT CLAIMS 2 - 11</p> <p>Dependent claims 2 - 11 do not contain any features which, in combination with the features of any claim to which they refer, meet the PCT requirements of novelty. In particular it is noted that:</p> <p>3.1 In D1, the light-reflecting coating (22) is a metallic coating on the outer surface of the lamp vessel (12) corresponding to claim 2, cf. D1 (figure 1, column 3, lines 23-28).</p> <p>3.2 In D2, the light-reflecting coating (12) is a dichroitic coating on the outer surface of the lamp vessel (1) corresponding to claim 3, cf. D2 (figure 1, column 2, lines 54 - 58, column 3, lines 32 - 34).</p>

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3.3	In D1 , the lamp vessel (12) is designed to be axially symmetrical and the incandescent filament (18) is arranged in the longitudinal axis and the section in the form of a reflector is an annular section adjoining the sealed-off end corresponding to claim 4 , cf. D1 (figure 1).
3.4	In D1 , the section in the form of a reflector is designed to be parabolic corresponding to claim 5 , cf. D1 (figure 1, column 3, lines 21 - 24).
3.5	In D2 , the lamp vessel (1) is in the form of an ellipsoid and a half shell is provided with a light-reflecting coating (12) corresponding to claim 6 , cf. D2 (figure 1, column 2, lines 52 - 54, column 3, lines 20 - 34).
3.6	In D2 , the half shell extends from the sealed-off end of the lamp vessel (1) as far as the opposite end of the lamp vessel (1) corresponding to claim 7 , cf. D2 (figure 1).
3.7	In D3 , the dimension of the lamp vessel (10) transversely with respect to the longitudinal axis has a value of a maximum of 30 mm corresponding to claim 8 , cf. D3 (column 4, lines 50 - 55).
3.8	In D1 , the sealed-off end of the lamp vessel (12) is in the form of a base corresponding to

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	<p>claim 9, cf. D1 (figure 1).</p> <p>3.9 In D1, the incandescent filament (18) is completely surrounded by the reflector corresponding to claim 10, cf. D1 (figure 1).</p> <p>3.10 In D3, the halogen incandescent lamp (9) is a low-voltage incandescent halogen lamp, wherein the length of the coil of the incandescent filament (15) is less than or equal to 4.4 mm and the outer diameter thereof is less than 2.3 mm corresponding to claim 11, cf. D3 (column 4, lines 43 - 46, column 5, lines 7 - 9).</p> <p>3.11 Alternative objections as regards novelty to claims 3, 4, 8 and 10 can be based on D2, D3 and/or D4 (PCT Article 33).</p>